REMARKS

The Office Action dated October 25, 2007 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-21 are now pending in this application. Claims 1-21 stand rejected.

The rejection of Claims 1-21 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent Publication No. 2003/0060266 to Baerlocher (hereinafter referred to as "Baerlocher") is respectfully traversed.

Baerlocher describes a gaming method that requires a player at a gaming device (10) to wager a number of credits to qualify or be eligible for a main or first bonus game. The gaming device (10) determines whether a bonus triggering symbol or symbol combination (hereinafter referred to as a "bonus trigger") for the first bonus game appears along a payline (56) or in a scatter arrangement. If the bonus trigger for the first bonus game is generated, the gaming device (10) determines whether the player has wagered at least a first predefined number of credits. If so, the gaming device (10) initiates the first bonus game. If the bonus trigger is generated, but the player has not wagered at least the first predefined number of credits, the gaming device (10) determines whether the player has wagered at least a second predefined number of credits, which is less than the first predefined number. If so, the gaming machine (10) initiates a second bonus game. In addition, if the bonus trigger is not generated but a second, different bonus trigger for the second bonus game has been generated, and at least the second predefined number of credits has been wagered, the gaming device (10) initiates the second bonus game.

Notably, Baerlocher does not describe nor suggest initiating a secondary game when an accepted wager equals a preselected wager threshold, wherein initiation of the secondary game is based *only* on the comparison of the accepted wager to the preselected wager threshold. Rather, Baerlocher describes initiating a first bonus game based on a first predefined number of credits *and* a detection of a first bonus trigger. Baerlocher also describes initiating a second bonus game based on a second predefined number of credits *and*

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a detection of a first bonus trigger, wherein the player has not wagered the first predefined number of credits. As such, Baerlocher does not describe nor suggest initiating a secondary game based *only* on a comparison of an accepted wager to a preselected wager threshold, but rather Baerlocher describes a decision to initiate a first or second bonus game based on *both* a detection of a triggering event *and* a comparison of a current wager and a first or second predefined wager amount.

Claim 1 recites a method for controlling access to a secondary game on a gaming device, wherein the method comprises "accepting a wager; comparing the accepted wager to a preselected wager threshold; and initiating the secondary game when the accepted wager equals the preselected wager threshold, wherein initiation of the secondary game is based only on the comparison of the accepted wager to the preselected wager threshold."

Baerlocher does not describe nor suggest a method for controlling access to a secondary game on a gaming device, as is recited in Claim 1. More specifically, Baerlocher does not describe nor suggest initiating the secondary game when an accepted wager equals a preselected wager threshold, and wherein initiation of the secondary game is based only on the comparison of the accepted wager to the preselected wager threshold. Rather, Baerlocher describes initiating a first bonus game based on a first predefined number of credits and a detection of a first bonus trigger.

Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Baerlocher.

Claims 2-6 depend from independent Claim 1. When the recitations of Claims 2-6 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 2-6 likewise are patentable over Baerlocher.

Claim 7 recites a system for allowing secondary play on a gaming device having a primary game and a secondary game. The system comprises "a prestored trigger . . . a determiner structured to compare a wager to the prestored trigger . . . a controller coupled to the determiner and structured to initiate the secondary game responsive to a signal received

from the determiner, wherein initiation of the secondary game by the controller is based only on the comparison of the wager to the prestored trigger."

Baerlocher does not describe nor suggest a system for allowing secondary play on a gaming device having a primary game and a secondary game, as is recited in Claim 7. More specifically, Baerlocher does not describe nor suggest a controller structured to initiate the secondary game responsive to a signal received from a determiner, and wherein initiation of the secondary game by the controller is based only on a comparison of a wager to a prestored trigger. Rather, Baerlocher describes initiating a first bonus game based on a first predefined number of credits and a detection of a first bonus trigger.

Accordingly, for at least the reasons set forth above, Claim 7 is submitted to be patentable over Baerlocher.

Claims 8-15 depend from independent Claim 7. When the recitations of Claims 8-15 are considered in combination with the recitations of Claim 7, Applicant submits that dependent Claims 8-15 likewise are patentable over Baerlocher.

Claim 16 recites a method of initiating a secondary game on a gaming device, wherein the method comprises "accepting a wager . . . comparing the wager to a predetermined threshold . . . permitting play on a secondary game when the wager equals the predetermined wager threshold, wherein permission to play the secondary game is based only on the comparison of the wager to the predetermined threshold...."

Baerlocher does not describe nor suggest a method of initiating a secondary game on a gaming device, as is recited in Claim 16. More specifically, Baerlocher does not describe nor suggest permitting play on a secondary game when a wager equals a predetermined wager threshold, and wherein permission to play the secondary game is based only on the comparison of the wager to the predetermined threshold. Rather, Baerlocher describes initiating a first bonus game based on a first predefined number of credits and a detection of a first bonus trigger.

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Accordingly, for at least the reasons set forth above, Claim 16 is submitted to be patentable over Baerlocher.

Claims 17-20 depend from independent Claim 16. When the recitations of Claims 17-20 are considered in combination with the recitations of Claim 16, Applicant submits that dependent Claims 17-20 likewise are patentable over Baerlocher.

Claim 21 recites a system for accessing a secondary game on a plurality of gaming machines, wherein the system comprises "a wager threshold . . . a data input device configured to accept a wager . . . a comparator configured to relate the wager to the wager threshold and generate a signal to initiate a secondary game based only on the relation of the wager to the wager threshold."

Baerlocher does not describe nor suggest a system for accessing a secondary game on a plurality of gaming machines, as is recited in Claim 21. More specifically, Baerlocher does not describe nor suggest a comparator configured to relate a wager to a wager threshold and generate a signal to initiate the secondary game based only on the relation of the wager to the wager threshold. Rather, Baerlocher describes initiating a first bonus game based on a first predefined number of credits and a detection of a first bonus trigger.

Accordingly, for at least the reasons set forth above, Claim 21 is submitted to be patentable over Baerlocher.

For at least the reasons set forth above, Applicant respectfully requests that the Section 102 rejection of Claims 1-21 be withdrawn.

The rejection of Claims 6 and 15 under 35 U.S.C. § 103(a) as being unpatentable over Baerlocher in view of U.S. Patent 5,910,048 to Feinberg (hereinafter referred to as "Feinberg") is respectfully traversed.

Baerlocher is described above. Feinberg describes a method of operating a slot machine (10) to limit a player's losses. The player is identified at the slot machine (10) using a player card (52) that includes player data such as the number of plays made by the player,

an amount played by the player, an amount of time of play at the slot machine (10), and an amount paid out to the player or lost by the player. During play, the slot machine (10) tracks the amount played and the amount paid out to the player. The slot machine (10) also determines whether the player has lost more than a predetermined loss amount. If the player has lost more than the predetermined loss amount, then the player's account is credited for the difference between the predetermined loss amount and the player's actual loss.

Claim 1 recites a method for controlling access to a secondary game on a gaming device, wherein the method comprises "accepting a wager . . . comparing the accepted wager to a preselected wager threshold . . . initiating the secondary game when the accepted wager equals the preselected wager threshold, wherein initiation of the secondary game is based only on the comparison of the accepted wager to the preselected wager threshold."

No combination of Baerlocher and Feinberg describes nor suggests a method for controlling access to a secondary game on a gaming device, as is recited in Claim 1. More specifically, no combination of Baerlocher and Feinberg describes nor suggests initiating the secondary game when an accepted wager equals a preselected wager threshold, and wherein initiation of the secondary game is based only on the comparison of the accepted wager to the preselected wager threshold. Rather, Baerlocher describes initiating a first bonus game based on a first predefined number of credits and a detection of a first bonus trigger, and Feinberg describes a method of operating a slot machine to limit a player's losses by comparing the player's actual losses to a predetermined loss amount.

Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Baerlocher in view of Feinberg.

Claim 6 depends from independent Claim 1. When the recitations of Claim 6 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claim 6 likewise is patentable over Baerlocher in view of Feinberg.

Claim 7 recites a system for allowing secondary play on a gaming device having a primary game and a secondary game. The system comprises "a prestored trigger . . . a

determiner structured to compare a wager to the prestored trigger . . . a controller coupled to the determiner and structured to initiate the secondary game responsive to a signal received from the determiner, wherein initiation of the secondary game by the controller is based only on the comparison of the wager to the prestored trigger."

No combination of Baerlocher and Feinberg describes nor suggests a system for allowing secondary play on a gaming device having a primary game and a secondary game, as is recited in Claim 7. More specifically, no combination of Baerlocher and Feinberg describes nor suggests a controller structured to initiate the secondary game responsive to a signal received from a determiner, and wherein initiation of the secondary game by the controller is based only on a comparison of a wager to a prestored trigger. Rather, Baerlocher describes initiating a first bonus game based on a first predefined number of credits and a detection of a first bonus trigger, and Feinberg describes a slot machine to limit a player's losses by comparing the player's actual losses to a predetermined loss amount.
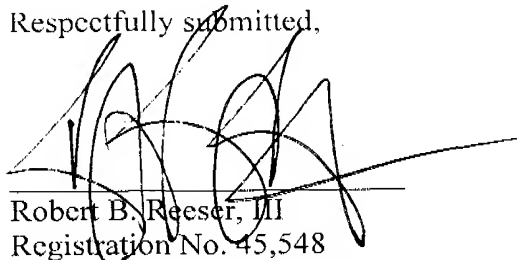
Accordingly, for at least the reasons set forth above, Claim 7 is submitted to be patentable over Baerlocher in view of Feinberg.

Claim 15 depends from independent Claim 7. When the recitations of Claim 15 are considered in combination with the recitations of Claim 7, Applicant submits that dependent Claim 15 likewise is patentable over Baerlocher in view of Feinberg.

For at least the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claims 6 and 15 be withdrawn.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully submitted,

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